

14 January 1998

Re: NEPA Technical Inquiry 0075 - Environmental Warranties in  
Conveyancing Deeds

Dear NEPA Call-In User:

This letter is in response to your April 16, 1997, request for information on whether GSA is required to use the exact language contained in a Congressional Act when GSA writes the contract, environmental warranty, or deed for the disposal of a property. You stated the property in question is Air Force Plant No. 85 located in Columbus, Ohio, which GSA is selling pursuant to special legislation, Defense Authorization Act, Public Law 100-456; 102 Stat. 2124, September 29, 1988, which you provided along with environmental language from the contract for sale. You also stated similar special legislation pertaining to other sites has been enacted, and requested copies of the deeds prepared for those sites which you could use as reference.

#### SUMMARY OF FINDINGS

NEPA Call-In found GSA is not required to use the exact language contained in the Act. To date, NEPA Call-In has not found copies of environmental terms or conditions which could be used by you for reference. NEPA Call-In's detailed findings are provided below.

#### DETAILED FINDINGS

NEPA Call-In contacted Mr. Scott Stuckey, General Counsel for the Congress, Senate Committee on Armed Services (202) 224-3871, which has jurisdiction over this legislation. Mr. Stuckey stated the statute in question does not contain language requiring GSA to utilize the exact language in the statute. GSA is therefore not required to use the exact language contained in the Act.

NEPA Call-In contacted the General Counsel, GSA National Office, for copies of Environmental Terms and Conditions others have prepared under similar circumstances. The General Counsel did not have copies of terms or conditions which he could provide to you, but suggested we contact the Property Disposal, GSA National Office. To date, NEPA Call-In has been unable to contact the Property Disposal office. We will continue our efforts to contact the Property Disposal Office Mr. Kelly and forward any information obtained from him in a follow-up to this letter.

NEPA Call-In also contacted another Property Disposal office, GSA National Office. The Property Disposal representative stated this office typically does not send copies of deeds for disposals under special legislation, because each piece of legislation has the ability (and likelihood) to specify different requirements (terms and conditions). In the past, general information has been mis-applied to specific properties.

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current

legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher